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Westmoreland Deputy Rebuts CBS Assertions

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Robert W. Komer, the chief civilian deputy to Gen. William C. Westmoreland in South Vietnam in 1967, yesterday contradicted an assertion by CBS that the general had suppressed a report by his intelligence chief on the size of Vietcong irregular forces.

Taking the stand in Federal District Court in Manhattan as the second witness for the general in his \$120 million libel suit against CBS, Mr. Komer said he was present at a strategy meeting in Saigon on May 28, 1967 when General Westmoreland ordered that the report be passed on to Ambassador Ellsworth Bunker, other top officials and the Central Intelligence Agency.

Estimates of the size and military capability of these forces — guerrilla and "home guard" — are a major issue in the lawsuit brought by the general as the result of CBS Reports documentary that was broadcast in January 1982.

Rebuts CBS Documentary

Mr. Komer also said in his testimony that he attended a briefing at which, according to the documentary, the general was supposed to have expressed alarm about the higher numbers in the intelligence chief's report and said: "What am I going to tell the press? What am I going to tell the Congress? What am I going to tell the President?"

Dan M. Burt, General Westmoreland's lawyer, asked Mr. Komer whether he recalled those words being spoken.

As David Boies, the lawyer for CBS rose to object, Mr. Komer replied in a firm, clear voice: "No, sir."

"Too late now," Judge Pierre N. Leval told Mr. Boies.

As if to underscore the importance of his witness, Mr. Burt addressed him as "Mr. Ambassador," a rank given Mr. Komer by President Johnson. At one stage, Mr. Burt asked Mr. Komer whether his license plate in Vietnam carried any special markings.

"Four stars," Mr. Komer said, pausing. Then, with a glance at the smiling plaintiff, he said:

"They weren't the same kind of stars General Westmoreland had but they were useful when I had to go down to the presidential palace." The reporters and spectators who crowded into the courtroom broke into the most sustained laughter of the trial.

Komer Was Not Interviewed

Mr. Komer was not interviewed for the CBS documentary, titled "The Uncounted Enemy: A Vietnam Deception."

General Westmoreland, the commander of American forces in Vietnam from 1964 to 1968, charged that the broadcast libeled him by saying that he had deceived President Johnson and the Joint Chiefs of Staff about the size and nature of the enemy forces in Vietnam. The documentary alleged a "conspiracy at the highest levels of military intelligence" to minimize enemy strength to make it appear that the United States was winning a "war of attrition."

One of the general's specific charges was that CBS and other defendants — including Mike Wallace, the broadcast's narrator, and George Crile, its producer — had falsely accused him of "suppressing" a report on enemy strength by Maj. Gen. Joseph A. McChristian, who was his intelligence chief until June 1, 1967. This report, which contained higher estimates than previously for Vietcong irregulars, was the focus of Mr. Komer's testimony yesterday afternoon.

CBS based its statement about the report on interviews with intelligence officers who served in Vietnam in 1967, and those officers are expected to testify later.

On the broadcast, General Westmoreland said he ultimately rejected General McChristian's report because he thought it was "specious."

Discounted 'Home Guard' Forces

He had also concluded, he said, that the "home guard" forces, perhaps numbering more than 100,000 by various counts in 1967, no longer belonged in the order of battle because they consisted mainly of teen-agers and old men who were often unarmed and posed no offensive military threat. The order of battle is the official military count of enemy strength.

General Westmoreland said, too, in the broadcast that reporters in Vietnam and "the people in Washington" were not "sophisticated enough to understand" that the larger "home guard" figures proposed by General McChristian represented only a better estimate of their numbers, not a real increase in their strength.

Mr. Komer said that from the time President Johnson made him responsible for the so-called pacification effort in Vietnam in 1966, he was concerned about the reliability of intelligence estimates of the Vietcong irregular forces. That concern, he said, was shared by General McChristian, who sent him the report at issue in late May, 1967.

In the report, which was introduced into evidence, General McChristian estimated that the "home guard" forces numbered about 124,000, as opposed to the figure in the current order of battle of about 70,000. General McChristian noted, however, that the figures for the "home guard" were not as firm as the estimates on the guerrillas and that the "home guard" were only "marginally effective" as a combat force.

Sought Fuller Background

When General McChristian first "briefed" General Westmoreland and others on the new figures on May 20, 1967, Mr. Komer said, General Westmoreland asked his intelligence chief to "go back and develop more fully the background on how these figures were arrived at."

At the next meeting, a week later, Mr. Komer testified, General Westmoreland "accepted the results of the briefing" and asked that they be forwarded to the mission council headed by Ambassador Bunker, where they were eventually discussed.

Mr. Komer referred to the official minutes of the second briefing by General McChristian, which stated that General Westmoreland had "directed" a wide distribution of the new figures with a view toward sending them to "higher headquarters and Washington."

The fate of General McChristian's report is expected to be further explored today, when Mr. Komer continues his testimony.

Yesterday morning, Walt W. Rostow, President Johnson's Special Assistant for National Security Affairs, completed his testimony. He said the President was aware, by August 1967, that "home guard" forces were then being estimated at about 120,000, even though the category were to be dropped from the order of battle.